

NO. 4:08-CV-105-FL

ORDER

Barnhart, 418 F.3d 424, 427-28 (4th Cir. 2005) (citing Gisbrecht, 535 U.S. at 801, 808). In its discretion, the court may reduce an unreasonable fee if (1) the fee is out of line with the character of the representation and the results achieved, (2) counsel's delay caused additional past due benefits to accrue, or (3) the past due benefits are large in comparison to the time counsel spent on the case. Id. at 428 (citing Gisbrecht, 535 U.S. at 808).

The court has reviewed the amount requested by counsel and finds it to be reasonable. Accordingly, counsel's motion is ALLOWED. Plaintiff was awarded \$57,225.00 in past due benefits at the administrative level after this court entered judgment remanding his claim to the Commissioner. Twenty-five percent of this amount is \$14,306.25.\* Because counsel has already been awarded \$6,000.00 in fees at the administrative level, the Social Security Administration shall release the sum of \$8,306.25 to plaintiff's counsel as attorneys' fees for services rendered before this court. Counsel shall return to plaintiff the fee previously awarded under the EAJA.

SO ORDERED this the 13th day of December, 2010.



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LOUISE W. FLANAGAN  
Chief United States District Judge

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\* The Social Security Administration is withholding \$14,313.75 from plaintiff's past due benefits to pay plaintiff's counsel. This appears to be 25% of \$57,255.00. Because the evidence before the court and the motion of plaintiff's counsel indicates that the past due benefits awarded are in fact equal to \$57,225.00, the court has used this smaller number in its calculations.